

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matters of)

Amendment of Section 73.202(b),)
Table of Allotments)
FM Broadcast Stations)
(Banks, Redmond and Corvallis, Oregon))

and)

Amendment of Section 73.202(b),)
Table of Allotments)
FM Broadcast Stations)
(The Dalles and Corvallis, Oregon))

MM Docket No. 96-7

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MM Docket No. 96-12

To: Chief, Allocations Branch

MOTION TO STRIKE

Madgekal Broadcasting, Inc. ("MBI") herein moves to strike the "Supplement to Comments of LifeTalk Broadcasting Association," filed July 15, 1996. In support of this motion, the following is stated:

In the Notice of Proposed Rulemaking in MM Docket No. 96-12, 11 FCC Rcd 1788 (1996) ("NPRM"), the Chief, Allocations Branch, took note that construction of a tall tower would be necessary for the proposed station at The Dalles to overcome intervening terrain obstructions. The NPRM further stated, "Because a Class C3 station, without such obstructions, can generally provide city-grade coverage with a tower of only 100 meters, petitioner is requested to affirmatively state that it would apply for and construct a station with the necessary higher tower." NPRM at ¶3 (emphasis added). Comments were due in

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MM Docket No. 96-12 on April 5, 1996. Reply Comments were due April 22, 1996. Yet, the petitioner, LifeTalk Broadcasting Association ("LifeTalk"), failed to include the explicit pledge the Commission required in its NPRM. LifeTalk's Comments, filed April 5, 1996, included only the standard assertion that if the channel is allotted as requested and reserved for noncommercial use, LifeTalk will promptly file an application for authority to construct a new station on that channel.

In its Supplement, LifeTalk asserts that implicit in its Comments was an intention to apply for a facility that would meet "at least the minimum requirements of the Commission's rules, including providing city-grade signal coverage to the community of license." Supplement at p. 2. LifeTalk ignores, however, the fact the Commission required something more than a standard expression of continuing interest. The Commission called upon the petitioner to state explicitly that it would apply for and construct a station "with the necessary higher tower." LifeTalk failed to provide such a commitment in its Comments.

Having failed to meet the requirements of the NPRM in a timely manner, LifeTalk's rulemaking proposal should be dismissed and its late-filed Supplement should be stricken.

MADGEKAL BROADCASTING, INC.

By 

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Its Counsel

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July 24, 1996

CERTIFICATE OF SERVICE

I, Pamela R. McKethan, hereby certify that on this 24th day of July, 1996, copies of the foregoing **MOTION TO STRIKE** were hand delivered or mailed, first-class, postage prepaid, to the following:

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